

OGC Notice No. 51
Appendix A

OGC 9-1762(a)

14 December 1959

MEMORANDUM FOR: Chief, Finance Division

SUBJECT: Travel [REDACTED]

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1. We have your memorandum of 8 December 1959 requesting our opinion as to whether or not per diem may be paid Subject in connection with TDY performed by him at Headquarters following his home leave. We have reviewed the background file submitted with your memorandum and consider the essential facts to be these:

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(a) Mr. [REDACTED] had travel orders issued 28 January 1959 transferring his PCS from [REDACTED] to Washington, D. C.

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(b) A subsequent cable amended these orders to allow a short TDY at Headquarters for consultation before home leave.

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(c) As a result of these consultations, it was determined that Mr. [REDACTED] would be assigned forthwith [REDACTED] after a brief period of training [REDACTED]

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(d) While Mr. [REDACTED] was on his home leave, appropriate travel orders reflecting the change of assignment were cut.

2. The narrow question with which we are faced is whether the amendment of the travel order from PCS Washington to TDY Washington and thence [REDACTED] was legally proper. In our memorandum to you of 12 November 1959 on the case of [REDACTED] we stated: "Travel already ordered but not yet performed may be affected by changed or unanticipated conditions, and usually there would be no objection, under such circumstances, to payment of appropriate travel benefits based on the prospective modification of the original orders." Since, in the instant case, the traveler had not yet reported to his originally designated PCS post to take up his duties, the above rule applies. Therefore, Mr. [REDACTED] is to be considered as in a TDY status from the completion of his home leave, and per diem for that period, if otherwise proper, may be paid.

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[REDACTED]
Office of General Counsel

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